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Ser. No.: 10/747,702

Filing Date: December 30, 2003

Docket No. ASZN0039-101

Matter No.: 178061

Title: Novel G Protein-Coupled Receptor

Pages to Follow: 3

Sender's Name: Paul K. Legaard

Date: January 24, 2006

RECIPIENT(S)	COMPANY/FIRM	FAX
Ruixiang Li	USPTO	(571) 273-8300

MESSAGE: OFFICIAL FAX

PLEASE DELIVER TO EXAMINER RUIXIANG LI
ATTACHED IS:

1. Transmittal Form (1 page)
2. Response to the Restriction Requirement (2 pages)

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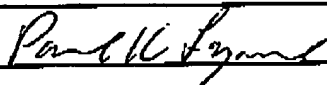
TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/747,702
	Filing Date	December 30, 2003
	First Named Inventor	Sultan Ahmad
	Art Unit	1646
	Examiner Name	Ruixiang Li
Total Number of Pages in This Submission	Attorney Docket Number	ASZN0039-101 (A1807-2P US)

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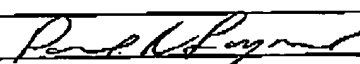
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm	Cozen O'Connor, P.C.		
Signature			
Printed Name	Paul K. Legaard		
Date	January 24, 2006	Reg. No.	38,534

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DOCKET NO.: ASZN0039-101 (A1807-2P US)

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Applicants: Ahmad, Banville, Fortin, Lembo, O'Donnell, and Shen

JAN 24 2006

Serial No.: 10/747,702

Group Art Unit: 1646

Filed: December 30, 2003

Examiner: Ruixiang Li

Title: Novel G-Protein Coupled Receptor

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On 24 January 2006


Paul K. Legard Reg. No. 38,534

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P.O. Box 1450
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Dear Sir:

RESPONSE TO THE RESTRICTION REQUIREMENT

The present Response is filed in regard to the Restriction Requirement mailed January 18, 2005 in connection with the above-identified patent application.

The Examiner has restricted claims 1-42 into seventeen groups. Applicants elect Group III, containing claims 6, 7 and 41 drawn to human dorsal root receptor 1, with traverse.

The Office Action asserts that the groups are unrelated. Even if the Office Action still considers the groups of claims to be patentably distinct, §803 of the M.P.E.P. mandates two criteria for a proper requirement for restriction: 1) the inventions must be independent or distinct; and 2) there must be a serious burden on the examiner. For purposes of initial requirement, a serious burden on the examiner may be *prima facie* shown if the examiner shows by appropriate explanation either separate classification, separate status in the art, or a different field of search as defined in M.P.E.P. §808.02. Significantly, the Examiner has not met the *prima facie* burden. Indeed, the Examiner has not shown separate status in the art or a requirement for a different field of search. Further, Groups I, III, V, VII, IX, XI, and XIII have, in fact, been classified into identical classes (class 530) and subclass (subclass 350), thus, strongly indicating a lack of


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serious burden. Accordingly, the claims within Groups I, III, V, VII, IX, XI, and XIII should be examined together in the present application without restriction.

If the Office Action persists in applying the present restriction, Applicants presume that any prior art that is found relating to a non-elected group, to the extent that such prior art exists, will not be used in an obviousness rejection against a claim from any other group.

Applicants submit that the present response is complete and complies with the requirements of 35 U.S.C. §121. In addition, Applicants submit that, at a minimum, claims within Groups I, III, V, VII, IX, XI, and XIII must be considered in the present application without restriction.

Respectfully submitted,


Paul K. Legaard
Registration No. 38,534

Date: 24 January 2006

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